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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 001674

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NSC FOR H.MORROW

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TAGS: [PGOV](#) [PHUM](#) [PTER](#) [RP](#)
SUBJECT: PRESIDENT ARROYO TO COMMUTE DEATH SENTENCES

REF: A. 05 MANILA 5097
[1](#)B. 05 MANILA 2969

Classified By: POL/C Scott Bellard for reasons 1.4 (b) and (d)

[1](#)1. (C) Summary: President Arroyo announced plans to commute all death sentences to life imprisonment. Her action immediately should only affect about 80 inmates, whose sentences the Supreme Court has already confirmed. Another 1,100 cases are still waiting Supreme Court review, as mandated in the Constitution. This policy would in theory apply also to Islamic extremists convicted of terrorist actions. The Catholic Church welcomed the announcement, but victims' rights groups condemned the move. Critics have warned that immediate commutations for all sentences would end in legal challenges and possible impeachment charges. End Summary.

Easter Message

[1](#)2. (U) In her annual Easter message to the nation, President Arroyo announced on April 16 that she would commute all death sentences to life terms in prison. In her words, "as we celebrate and rejoice in Jesus' resurrection, I wish to announce that we are changing our policy on those who have been imposed the death penalty. We are reducing their penalty to life imprisonment. Anyone who falls and makes mistakes has a chance to stand up and correct the wrong he has committed. Jesus suffered for the redemption of mankind from sin and we should always forgive and stand up strong when we fall."

[1](#)3. (U) In explaining the President's announcement, Press Secretary Ignacio Bunye commented that "the President's

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decision came after deep contemplation and reflection on Christian values. The power to forgive under both the Bible and the Constitution can change a nation for good, especially in these times that cry out for compassion and reconciliation."

Confusion and Concern

[1](#)4. (C) There are reportedly over 1,200 death row inmates in the Philippines, most at a maximum security prison in Metro Manila. Malacanang has indicated that it will immediately

issue formal commutation orders for about 80 inmates whose cases have received the Constitutionally-mandated automatic Supreme Court review. However, according to Socorro Diokno, head of the anti-death penalty Free Legal Assistance Group (FLAG), Malacanang plans to issue new guidelines to treat all of the other death sentences as "final" even in the absence of Supreme Court review, thus enabling Malacanang also to commute these to life imprisonment. If so, Diokno predicted that death penalty advocates would likely institute a legal case, claiming that the president had overstepped her Constitutional prerogatives. Former President Estrada's Chief Legal Advisor, Justice Harriet Demetriou, separately predicted to Pol/C that such action by the President would also likely end up as a very solid impeachment charge against her in Congress this summer.

Impact on Terrorists?

15. (C) Perhaps as many as 27 Islamic militants who received death sentences for terrorist-related offenses would in theory benefit from this policy sooner or later (depending on status of Supreme Court review), including:

-- three Muslim extremists (one Jemaah Islamiyah, one Abu Sayyaf Group, and one Rajah Solaiman Movement) who received death sentences in October 2005 for their roles in the February 14, 2005, "Valentine's Day" bombing of a bus in Manila (ref a);

-- seven members (one in absentia) of the ASG who received death sentences in June 2005 for their roles in the 2001 kidnapping and subsequent murder of 12 hostages (ref b); and,

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-- seventeen ASG members who received death sentences in August 2004 for their roles in the June 2001 siege of a Basilan hospital in which civilians were slain, and for the May 2001 kidnapping of three Amcits and several Filipinos in Palawan (ref b).

Mixed Reaction

16. (SBU) The Catholic Church welcomed the announcement. Archbishop Angel Lagdameo, who heads the Catholic Bishops' Conference of the Philippines (CBCP), said "the Church sees it as a sign of hope." Several NGOs working against the death penalty, including FLAG, also welcomed the announcement. FLAG's Diokno told Dep Pol/C that she hoped that Malacanang would now endorse and press for the passage of proposed legislation filed in the House that would permanently ban the use of the death penalty, which Malacanang is reportedly giving serious consideration. She added that the use of the death penalty was "particularly abhorrent" in the Philippines because "over 75 percent of those sentenced were convicted of crimes that did not involve homicide," instead stemming from rape or drug-related offenses.

17. (SBU) Victims' rights groups assailed the President's move. Dante Jimenez, the head of Volunteers Against Crime and Corruption, called it "shocking" and urged Arroyo not to proceed. Jimenez added that many crime victims and their families were "seriously upset" with the announcement. Some in the Chinese Filipino community, particularly vulnerable to kidnapping for ransom, also complained about the move. Teresita Ang-See, the head of the Movement for Restoration of Peace and Order, said the President's announcement would "lead to a jump in crime, with criminals no longer worried that sentences would be carried out." According to Chinese-Filipino businessman Daniel Laogan, "Chinese Filipinos are shocked by Arroyo's action, which will only

help fuel crime against our community." He said major Chinese Filipino associations planned to issue statements condemning the move shortly.

Comment

18. (C) There has not been an execution in the Philippines since 2000; Arroyo placed a moratorium on its use since she came to power in 2001. This feel-good announcement over the long "Holy Weekend" holiday likely was primarily to shore up support with the still influential Catholic Church, which has strongly urged that the GRP get rid of the death penalty for many years. The efforts of the European Union, which has also lobbied hard against the use of the death penalty, may also have been a factor. However, Malacanang will need to take extra-special care vis-a-vis the legal status of these cases and the required role of the Supreme Court to sidestep if at all possible the almost inevitable new legal and impeachment charges.

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Kenney